

**Before the State of South Carolina
Department of Insurance**

In the Matter of:

Sandy B. Bowen

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SCDOI Docket # 06-0685

**ORDER REVOKING
RESIDENT PRODUCER
LICENSE**

This matter comes before the South Carolina Department of Insurance (the Department), upon application of David E. Belton, Esquire, Senior Associate General Counsel for the Department, requesting the revocation of Sandy B. Bowen (Producer) resident producer's license.

After careful review of the evidence presented the Department issues the following decision:

FINDINGS OF FACT

Producer is currently a South Carolina resident producer.

In the State of South Carolina, the producer was convicted on June 29, 2006 by the Lexington County Court of General Sessions of the crime of Breach of Trust with Fraudulent Intent, more than \$5,000.00.

In the State of South Carolina, the producer failed to report her criminal conviction to the Department.

In the State of South Carolina, the producer failed to respond to the notice of investigation sent by the Department, after receiving and signing for it by certified mail on August 30, 2006.

CONCLUSIONS OF LAW

Pursuant to S.C. Code §38-43-130(A)(B)(C)(6): (A) "The director or his designee may place on probation, revoke, or suspend a producer's license after ten days' notice or refuse to issue or reissue a license when it appears that a producer has been convicted of a crime involving moral turpitude, has violated this title or any regulation promulgated by the department, or has wilfully deceived or dealt unjustly with the citizens of this State." (B) "For purposes of this section, 'convicted' includes a plea of guilty or a plea of nolo contendere, and the record of conviction, or a copy of it, certified by the clerk of court or by the judge in whose court the conviction occurred is conclusive evidence of the conviction." (C) "The words 'deceived or dealt unjustly with the citizens of this State' include, but are not limited to, action or inaction by the

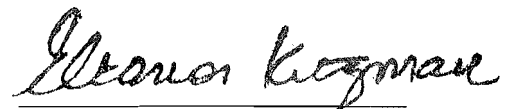
producer as follows:" (6) "having been convicted of a felony." Because Sandy B. Bowen has been convicted of the crime of Breach of Trust with Fraudulent Intent, more than \$5,000.00, the Department now moves to revoke her producer license.

Pursuant to SC Code 38-43-247(B): "Within thirty days of the initial pretrial hearing date, a producer shall report to the Insurance Director any criminal prosecution of the producer taken in any jurisdiction. The report shall include a copy of the initial complaint filed, the order resulting from the hearing and any other relevant documents." Because Sandy Bowen failed to report her criminal conviction to the Insurance Director, she has also violated Code Section 38-43-247(B).

THEREFORE, it is ordered that Sandy B. Bowen's, South Carolina resident producer license shall be revoked thirty (30) days from the date of this order, and no license issued through the State of South Carolina Department of Insurance is to be issued to her, unless Sandy Bowen requests in writing within said thirty (30) day period a public hearing before the South Carolina Administrative Law Court.

It is FURTHER ORDERED that the National Association of Insurance Commissioners be immediately be notified of this order.

This South Carolina Department of Insurance administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *freedom of Information Act*, S.C. Code Ann. §§30-4-10, et seq. (1991 and Supp. 2005). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. §38-3-110(3) (Supp. 2005).



Eleanor Kitzman
Director of Insurance

Dated this 24 day of January 2007